IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRP.No. 739 of 2007()

AGAINST THE ORDER DATED 08/06/2007 IN EP.2202/2004 IN OS.1310/2002 of II ADDL.M.C.,THRISSUR

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REVN. PETITIONER: RESPONDENTS/JUDGMENT DEBTORS/DEFENDANTS

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1. RAJESH, S/O. SANKARAN NAIR,
   SANKAR NIVAS, POTTOR VILLAGE DESOM,
   THRISSUR TALUK.

2. PRASAD, S/O. UNNIKATT NARAYANAN,
   POTTOR VILLAGE DESOM, THRISSUR TALUK.

3. PRAN KUMAR, S/O. KUNNATHU RAVEENDRAN,
   POTTA VILLAGE DESOM, THRISSUR TALUK.

4. SURESH, S/O. KUNNATH APPU NAIR,
   POTTA VILLAGE DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: RESPONDENT/DECREE HOLDER/PLAINTIFF

HILL VALLEY CORPORATION,
THIRUR, KOLAZHY VILLAGE, THRISSUR TALUK.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.GIRI,J.

CRP NO. 739 of 2007

Dated this the 8th day of August, 2007

ORDER

The judgment debtor in E.P.2202/2004 in O.S. 1310/2002 challenges the order passed by the court below directing a warrant of arrest under Order XXI Rule 37 of the CPC. Though contentions have been raised by the petitioner in this writ petition challenging the correctness and the propriety of the order passed by the court below, learned counsel for the petitioner Sri.Sreekumar confines his prayer for permission to pay the balance amount due under the decree in easy instalments.

2. It is contended in the civil revision petition that E.P.2202/2004 was lodged seeking realisation of an amount of Rs.46,340/=, but, on 9.1.2007, an amount of Rs.22,564/= was paid.

3. In the circumstances, the revision petitioners are permitted to pay the balance amount due under the decree in six equal monthly instalments commencing from 15th of September 2007. The warrant of arrest which is directed to be issued as per the impugned order will be kept in abeyance till the instalments are satisfied as directed above.

In case the revision petitioner commits default in the payment of any one of the instalments, the order of arrest will stand revived and the decree holder will be entitled to execute the decree as if the prayer for instalment has not been granted.

Subject to the above observation, the civil revision petition is disposed of.

V.GIRI,JUDGE

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